

# Policy.



## Harassment-free Workplace in Canada Policy.

### Purpose and scope

This Policy affirms TC Energy's commitment to:

- preventing and protecting against Harassment in the Workplace;
- fostering a respectful, safe and inclusive Workplace where Harassment of any kind is prohibited; and
- being an industry leader in health and safety practices and maintaining a safe and healthy Workplace.

This Policy applies to all Employees and Contractors in Canada and outlines processes for reporting and resolving allegations of Harassment in the Workplace.

### Policy

#### 1 Roles and responsibilities

##### 1.1 TC Energy will:

- a) respond to a Notice of Occurrence promptly and in accordance with the resolution process outlined in this Policy;
- b) take appropriate corrective action, up to and including termination of employment or contract, against Employees and Contractors who breach this Policy;
- c) jointly develop, review, and update this Policy, Workplace assessment, training, and Emergency procedures in accordance with this Policy, with the Safety Policy Committee, and ensure effective implementation; and
- d) annually report to the regulator Notices of Occurrence, and when the death of an Employee is the result of Harassment.

##### 1.2 All Employees and Contractors must:

- a) comply with this Policy;
  - Contractors must also comply with their employer's harassment and violence prevention policy.

- b) promptly report any real or suspected violation of this Policy in accordance with section 2;
  - c) complete the mandatory training as described in section 8 of this Policy (Employees and Contingent Workforce Contractors (CWCs) only);
  - d) promote and support a respectful Workplace that is free from Harassment;
  - e) cooperate with the resolution processes;
  - f) maintain strict confidentiality about and respect the privacy of individuals involved in the resolution process; and
  - g) refrain from, and immediately report, retaliatory behaviour against individuals involved in Harassment-related situations, as described in the Non-retaliation section of this Policy
- 1.3 The Harassment Investigation Coordinator must:
- a) conduct an initial review of every Notice of Occurrence; and
  - b) oversee the resolution process in accordance with this Policy.
- 1.4 The Safety Policy Committee will work jointly with the Company to meet the requirements imposed by applicable legislation as it pertains to Workplace Harassment prevention.
- 1.5 The Joint Health, Safety and Environment Committee (JHSEC) will work jointly with the Company and the Safety Policy Committee to meet the requirements imposed by applicable legislation as it pertains to Workplace Harassment prevention at the local Workplace level, including jointly determine, with the Company, the recommendations to be implemented after an investigation.

## 2 How to report Harassment

- 2.1 Witnesses and Principal Parties should promptly submit a Notice of Occurrence to the Harassment Investigation Coordinator via TC Energy's Ethics Help Line with any real or suspected Harassment.
- a) Former Employees may notify within three months after the day they cease to be employed by TC Energy.
- 2.2 A Notice of Occurrence may be made orally or in writing and must include:
- a) the name of the Principal Party and the Responding Party, if known;
  - b) date of the occurrence; and
  - c) a detailed description of the occurrence.
- 2.3 A Witness may provide a Notice of Occurrence anonymously.
- 2.4 Contractors should also report any real or suspected occurrence to their employer.
- a) TC Energy will determine whether the matter is to be resolved by TC Energy or resolved by the Responding Party's employer, in accordance with the applicable legislation.

- b) TC Energy reserves the right to monitor any resolution conducted by the Responding Party's employer.
- 2.5 The Harassment Investigation Coordinator will review the Notice of Occurrence and respond within seven calendar days of receiving it.

### 3 Internal resolution process

#### 3.1 Negotiated resolution.

- a) Negotiated resolution is a form of informal resolution where the Principal Party and the Harassment Investigation Coordinator discuss the alleged Harassment, clarify the information provided in the Notice of Occurrence, and attempt to reach a solution.
  - All the parties involved in the negotiated resolution will make every reasonable effort to resolve the matter.
- b) The Harassment Investigation Coordinator and the Principal Party will determine together whether the occurrence constitutes Harassment.
  - If the Principal Party and the Harassment Investigation Coordinator agree that the allegations do not constitute Harassment, the matter will be considered resolved.
  - If the Principal Party and the Harassment Investigation Coordinator do not agree that the allegations do not constitute Harassment, and the Principal Party would like to continue with the resolution process, the Principal Party can choose to continue with the negotiated resolution or request conciliation and/or a formal investigation. The Principal Party must notify the Harassment Investigation Coordinator of their decision.
- c) With the Principal Party's approval the Responding Party can also participate in the negotiated resolution.

#### 3.2 Conciliation.

- a) The Principal Party and the Responding Party may engage in conciliation at any time during the resolution process, provided:
  - both parties agree to participate;
  - both parties agree on the person to facilitate the process; and
  - a final formal investigation report has not been provided.
- b) Conciliation may include coaching, counseling, and/or conflict resolution with a neutral third-party facilitator. Other parties, such as leaders or Human Resources, may be engaged as required.
- c) If the Principal Party is satisfied with the result of the conciliation the matter will be considered resolved.

#### 3.3 Formal investigation.

- a) The Principal Party may request a formal investigation at any time during the resolution process.

- b) Once a request is received, the Harassment Investigation Coordinator will:
  - provide notice of the investigation to both parties;
  - select an investigator from the list that has been jointly developed with the Safety Policy Committee; and
  - provide the parties monthly updates while the investigation is ongoing.
- c) While the formal investigation is ongoing, attempts at negotiated resolution and/or conciliation may continue.
  - If the alleged Harassment being formally investigated is resolved by negotiated resolution or conciliation before the investigator has provided their report, the investigation will be discontinued.
- d) During the formal investigation process, the investigator may interview Witnesses and collect additional evidence, as required.
- e) The investigator will consider all relevant evidence gathered to determine whether a breach of this Policy has occurred.
- f) The findings will be documented in a formal report that will include a general description of the occurrence, the investigator's conclusion and recommendations.
- g) The formal report will be shared with the Principal Party, Responding Party, Harassment Investigation Coordinator, and others as required by the resolution process.
  - This report will not directly or indirectly reveal the identity of persons involved in the investigation.
- h) Any required course of corrective action will be communicated to Human Resources and to the appropriate leader(s) for implementation.

### 3.4 Resolution timelines.

- a) Allegations of Harassment are serious and high priority is placed on resolving them.
- b) The timeline for resolution of alleged Harassment is dependent on the complexity of the allegation.
- c) All allegations of Harassment will be resolved within one year after the day on which a Notice of Occurrence is provided to the Harassment Investigation Coordinator.

3.5 The Principal Party may choose to stop the resolution process at any time by informing the Harassment Investigation Coordinator of their decision.

## 4 External resolution options

- 4.1 Employees who believe the Company failed to fulfill its duties under the *Canada Labour Code* or the *Work Place Harassment and Violence Prevention Regulations* relating to a Notice of Occurrence, may notify their leader or Human Resources. If the matter is not resolved, Employees or TC Energy may refer their complaint to the *Canada Labour Program*.
- 4.2 For matters related to any legally protected grounds, Employees can pursue recourse under the *Canadian Human Rights Act* with the Canadian Human Rights Commission.

- 4.3 For matters to which the Criminal Code (Canada) applies, Employees can contact law enforcement.

### 5 Workplace assessment

- 5.1 The Company will, jointly with the Safety Policy Committee, perform a Workplace assessment taking into consideration both internal and external risk factors that may contribute to Harassment in the Workplace. The Workplace assessment considers:
- a) the culture, conditions, activities and organizational structure of the Workplace;
  - b) any reports, records, and data related to Harassment in the Workplace;
  - c) physical layout of the Workplace;
  - d) existing measures to protect psychological health and safety in the Workplace; and
  - e) external factors including, but not limited to, family violence.
- 5.2 The Company will, jointly with the Safety Policy Committee review and update as necessary the Workplace assessment every seven years. The Company and the Safety Policy Committee will also jointly develop and implement preventive measures to mitigate the risk of Harassment in the Workplace within six months after the risk factors are identified in the Workplace assessment.
- 5.3 The Company will, jointly with the JHSEC, review and update as necessary, the Workplace assessment:
- a) when the Principal Party stops the resolution process before the matter is resolved; or
  - b) when the Responding Party is not an Employee or the Company.
- 5.4 For more information on the risk factors that can contribute to Workplace Harassment and that are considered during the Workplace assessment process, see Appendix A.

### 6 Immediate danger and Emergency procedures

- 6.1 The Company encourages and supports all Employees and Contractors to remove themselves from potentially harmful or violent situations in the Workplace. If Employees and Contractors determine that they are in immediate danger or threat, they should contact 9-1-1 immediately.
- 6.2 For more information on Company-related Emergency procedures, see Appendix B

### 7 Additional support

- 7.1 The Company makes medical, psychological and other support available to all Employees in Canada through an anonymous third-party service, the Employee Family Assistance Program (EFAP).

### 8 Training

- 8.1 The Company, jointly with the Safety Policy Committee, establishes anti-Harassment training that all Employees and CWCs are required to complete annually.
- 8.2 The training must include:
- a) the elements of this Policy;
  - b) the relationship between Workplace Harassment and the prohibited grounds of discrimination set out in the *Canadian Human Rights Act*;
  - c) how to recognize, minimize and prevent Workplace Harassment;
  - d) crisis prevention, personal safety, and de-escalation techniques; and
  - e) how to appropriately respond to various types of Harassment.

### 9 Privacy and confidentiality

- 9.1 To protect the privacy of the persons involved in a Harassment-related situation, the Safety Policy Committee and the JHSEC are not permitted any involvement in the resolution process.
- 9.2 To the extent possible, the Company will maintain confidentiality of the Harassment-related matter and involve as few individuals as possible. Information, such as details of the occurrence, the name of the Principal Party, Responding Party, and any Witnesses will be shared only with those who need to know for the purposes of the resolution, decision making and corrective action implementation, and/or as required by law.

## Your responsibility

Employees and Contractors must follow all applicable provisions and the spirit and intent of this corporate governance document and support others in doing so. Employees and Contractors must promptly report any suspected or actual violation of this corporate governance document through available [channels](#) so that TC Energy can investigate and address it appropriately. Employees and Contractors who violate this corporate governance document or knowingly permit others under their supervision to violate it, may be subject to appropriate corrective action, up to and including termination of employment or contract, as applicable, in accordance with the Company's corporate governance documents, employment practices, contracts, collective bargaining agreements and processes.

## Interpretation and administration

The Company has sole discretion to interpret, administer and apply this corporate governance document and to change it at any time to address new or changed legal requirements or business circumstances.

## Non-retaliation

TC Energy supports and encourages Employees and Contractors to report suspected violations of corporate governance documents, applicable laws, regulations, and authorizations, as well as hazards, potential hazards, incidents involving health and safety or the environment, and near hits. Such reports can be made through available [channels](#). TC Energy takes every report seriously and investigates it to identify facts and, when warranted, makes improvements to our corporate governance documents and practices. All Employees and Contractors making reports in good faith will be protected from retaliation, and all Employees and Contractors must report if they or someone they know is being or has been retaliated against for reporting. Good Faith Reporting will not protect Employees and Contractors who make intentionally false or malicious reports, or who seek to exempt their own negligence or willful misconduct by the act of making a report.

## Definitions

**Contractor** means a third party hired by TC Energy to perform services for or supply equipment, materials, or goods to the Company. Contractors include, without limitation, Contingent Worker Contractors and Excluded Contractors.

**Contingent Workforce Contractor (CWC)** means an individual who typically:

- is employed by a third party to work on behalf of TC Energy;
- uses TC Energy's assets (e.g., workstation, email, phone) and corporate services;
- is compensated on an hourly or daily rate basis (Canada and the U.S.) and monthly (Mexico); and
- works under the direction of a TC Energy leader.

**Emergency** means an unforeseen or imminent event which requires prompt coordination of resources, special communications and/or heightened authority to protect the health, safety or welfare of people first, and then to limit damage to property, the environment or Company operations.

**Employee** means full-time, part-time, temporary and student employees of TC Energy.

**Excluded Contractor** means a third party or individual employed by a third party who:

- delivers services, equipment, materials, or goods to the Company using their own tools and assets (e.g., work station, laptop, email, phone, PPE, vehicle);
- does not increase TC Energy corporate headcount and overhead costs;
- does not use TC Energy's assets and corporate services; and
- directs their own work or receives direction from their employer.

**Good Faith Reporting** means an open, honest, fair and reasonable report without malice or ulterior motive.

**Harassment** means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offense, humiliation or other physical or psychological injury or illness to Employees and Contractors, including any prescribed action, conduct or comment. For the purposes of this Policy, Harassment also includes acts and attempted acts of violence.

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**Harassment Investigation Coordinator** means the designated recipient of a Notice of Occurrence in TC Energy's Human Resources department to oversee the administration of this Policy. The Harassment Investigation Coordinator may delegate the responsibilities under this Policy to another trained investigator.

**Joint Health, Safety and Environment Committee (JHSEC)** means the individuals, composed of Employee and employer representatives, whose goal is to be mutually committed to improving health and safety in the Workplace.

**Notice of Occurrence** means formal notice to the Harassment Investigation Coordinator of any real or suspected Harassment in the Workplace.

**Principal Party** means the person who is the object of the Harassment allegation.

**Responding Party** means the person alleged to have behaved in violation of this Policy.

**TC Energy** or the **Company** means TC Energy Corporation and its wholly-owned subsidiaries and operated entities.

**Safety Policy Committee** means the individuals who oversee implementation of preventive measures at the local Workplace level including the review of the Harassment Free Workplace Policy, Workplace safety assessments and anti-Harassment training.

**Witness** means a person who witnessed or is informed of any real or suspected Harassment in the Workplace by the Principal Party or Responding Party.

**Workplace** means any place where Employees and Contractors are employed or engaged in work for the Company. Workplace includes physical and virtual locations and activities related to work responsibilities, such as conferences, trade shows, meetings, after hour social events, business travel or temporary assignments.

## Appendices

- Appendix A: Factors that contribute to Workplace Harassment
- Appendix B: Emergency procedures

## References

### Related corporate governance and supporting documents

- Code of Business Ethics Policy
- Imminent Risk of Personal Harm Payments Standard
- Our Commitment Statement (Employees may request a printed copy from [Harassment Investigation Coordinator](#))

### Other references

- [Canada Labour Code](#) (Employees may request a printed copy from [Harassment Investigation Coordinator](#))
- [Canada Labour Program](#)



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- [Canadian Human Rights Act](#)
- [Criminal Code \(Canada\)](#)
- Employee Family Assistance Program (EFAP)
- [Work Place Harassment and Violence Prevention Regulations](#) (Employees may request a printed copy from [Harassment Investigation Coordinator](#))

### How to contact us

- [Policy Questions and Comments](#)

### TC Energy's reporting channels

- [Ethics Helpline](#)
- [Corporate Compliance](#)
- [Internal Audit](#)
- Human Resources
- Legal department
- Compliance Coordinators